



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/686,012

10/15/2003

Suzanne W. Dobbs

05015.0175U3

4902

23859

7590

10/20/2005

NEEDLE & ROSENBERG, P.C.  
SUITE 1000  
999 PEACHTREE STREET  
ATLANTA, GA 30309-3915

EXAMINER

GOLLAMUDI, SHARMILA S

ART UNIT

PAPER NUMBER

1616

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/686,012

Applicant(s)

DOBBS ET AL.

Examiner

Sharmila S. Gollamudi

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 and 21-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 21-83 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Receipt Amendments/Remarks and the Terminal Disclaimer filed 7/25/05 is acknowledged.

Claims **1-18 and 21-83** are pending in this application. Claims 19-20 and 84 stand cancelled.

#### *Double Patenting*

The rejection of claims 1-84 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,752,983 is withdrawn in view of the Terminal Disclaimer filed on 7/25/05.

#### *Claim Rejections - 35 USC § 112*

The rejection of claim 82 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is withdrawn in view of the amendment filed 7/26/05.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-18, 21-32, 36-53, 57-59, 61-62, and 73-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madrange nee Dermain et al (4,173,627) in view of JP 08187277. (It should be noted that the examiner made a typographical error in the last office action wherein EP 08187277 was cited).**

Madrange nee Dermain et al disclose a pressurized container containing a hair lacquer spray having reduced inflammability. The reference discloses the use of hair lacquers to maintain the hair in a proper shape by spraying the composition onto the hair. See column 1, lines 5-10. The liquid phase contains at least one of the following 1) 0-94% a lower alkanol, specifically ethanol, propanol, isopropanol, or butanol; 2) 0-35% a solvent; 3) 0-25% a ketone diluent, a alkyl acetate diluent, specifically methyl acetate, or a hydrocarbon. See column 3, lines 35-51. The examples utilize ethanol. For instance, example 2 teaches 2g of a resin, 0.5g plasticizer, 20g bromotrifluoromethane, 10g trichloroethane (ketone diluent), 25g methylene chloride, 10g butane/propane, and 32.5g ethanol. Note that methylene chloride is designated a volatile organic compound. Thus, the VOC does not exceed 80%.

The hair lacquer contains 10-85% of a propellant phase wherein the instant dimethyl ether, propane, and isobutane with bromotrifluoromethane are taught. See examples and column 2, lines 25-35. The composition incorporates the 0.5-10% instant resins, specifically vinyl acetate/crotonate/vinyl neodecanoate copolymer which can be neutralized with the instant neutralizing agents, specifically sodium hydroxide and 2-amino-2-methyl-1-propanol. See column 4, line 19 to column 5, line 6 and examples. The composition contains other additives, specifically perfumes and silicones. See claim 10.

Art Unit: 1616

Although, Madrange nee Dermain et al suggests a combination of ethanol and methyl acetate, this is not an *explicit* teaching.

JP 08187277 teaches the a method of masking irritating alcohol odor, specifically ethanol, by utilizing methyl acetate or ethyl acetate in the amount of 0.1-10%. The masking action does not damage the properties of the lower alcohol and is utilized in cosmetics, drinks, and perfumes that contain lower alcohol. EP teaches the R represents a short alkyl chain. See abstract.

Furthermore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teachings of Madrange nee Dermain et al and JP and utilize ethanol and methyl acetate. Firstly, Madrange nee Dermain suggests the combination of at least one of (a) lower alkanol, (b) a solvent, and (c) a ketone diluent for the liquid phase and it readily apparent to a skilled artisan that one can have a combination of at least two in the liquid phase. Thus, one would have been motivated to combine the lower alkanol with the Madrange's suggested ketone diluent (methyl acetate) in particular since JP teaches ethyl acetate or methyl acetate mask the odor of lower alcohols in a cosmetic composition. Therefore, one would have been motivated to particularly select methyl acetate as the choice for component (c) to eliminate unpleasant odor produced by the ethanol since Madrange utilizes ethanol as preferred component (a) in all the examples. Further a skilled artisan would have expected similar results in using methyl acetate since Madrange clearly suggests methyl acetate as a suitable diluent in the composition and the examples teach the combination of all three components (a, b, c) in one composition.

Art Unit: 1616

With regard to the amount of neutralizer, although Madrange nee Dermain et al do not explicitly disclose the concentration, it is the position of the examiner that the concentration an obvious parameter to a skilled artisan since the concentration would be dependent on the amount required to neutralize the resin. Thus, a skilled artisan would have been motivated to add a sufficient amount to yield a neutralized resin.

Lastly, it should be noted that the instant weight percents overlap with that of the prior art and it is the examiner's position that the concentrations of each individual components are manipulatable parameters wherein a skilled artisan can readily optimize the concentrations of the prior art. With regard to claim 26, the instant claims recite *approximately* 30% of the methyl acetate and Madrange nee Dermain teaches a maximum limit of 25%, it is the examiner's position that 25% and instant *approximately* 35% are within an obvious range wherein a skilled artisan would have been motivated to manipulate the concentration through routine experimentation.

### ***Response to Arguments***

Applicant argues that Madrange teaches hair care composition containing at least one of: (a) a lower alkanol, such as ethanol, propanol, isopropanol or butanol; (b) a solvent such as 1,1,1- trichloroethane and methylene chloride; and (c) a diluent such as a ketone, in particular acetone and methylethyl ketone; an alkyl acetate, in particular methyl acetate or ethyl acetate, or a hydrocarbon, in particular a C3-C7 alkane. Applicant argues Madrange also makes clear that none of components (a), (b) or (c) is a required component. Madrange generically discloses a laundry list of at least 149 possible chemical compounds. Applicant argues that there is no motivation to make the instant selection of ethanol and methyl acetate. Applicant JP 08187277

Art Unit: 1616

fails to suggest what other components may be present in the composition and whether these components contribute to the volatile organic compound. Applicant argues the fact that references can be combined or modified does not render the combination obvious unless the prior art also suggest the desirability of the combination.

Applicant's arguments filed 7/25/05 have been fully considered but they are not persuasive. Firstly, the examiner acknowledges that Madrange does not explicitly teach the instant combination of ethanol and methyl acetate; thus the rejection is made under obviousness. However, the applicant is incorrect in his characterization of Madrange in that (a), (b), or (c) are not required. Although Madrange teaches each component may be contained in an amount of 0%, the examples clearly teach the presence of lower alkanol, particularly ethanol. Thus, it is quite clear that the use of a lower alcohol such as ethanol, i.e. component (a), is preferred. Further, the example teach a combination of (a), (b), and (c). For instance, examples teach the use of component (a) ethanol, component (b) methylene chloride, and (c) isobutane (hydrocarbon alkane). Therefore, the examples teach a combination of all three components. Although Madrange suggests the use of methyl acetate as component (c), the reference does not specify the instant combination and thus the examiner relies on the secondary reference. JP teaches the use of methyl acetate to mask the irritating odor of ethanol in compositions such as cosmetic compositions. Therefore, a skilled artisan would have been further motivated to particularly select methyl acetate as the choice for component (c) in view of JP's teaching since Madrange teaches ethanol in all the examples. Clearly the examiner has established the motivation to particularly select methyl acetate. Applicant has not provided any unexpected results to overcome the prima facie case of obviousness.

Art Unit: 1616

With regard to JP not teaching the instant VOC and additional components, the examiner points out that JP is the *secondary* reference and is relied on for its *specific* teaching. The primary reference is not deficient in the teaching of the instant VOC or additional components and thus there is no deficiency in this area for JP to cure. Further, the examiner points out that methyl acetate does not effect the VOC of the composition since it is not designated a volatile organic compound. Thus, the additional use of methyl acetate in Madrange would not effect the VOC of the composition and yield an composition with a VOC over 80%. Moreover, Madrange teaches the use of all three components a, b, and c in the composition and satisfies the instant VOC; thus the substitution of one component (c) diluent specie (hydrocarbon alkanes taught in the examples) for another suggested diluent specie (methyl acetate) would not effect the VOC.

**Claims 33-35, 56, 60, and 63-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madrange nee Dermain et al (4,173,627) in view of JP 08187277, in further view of Chuang et al (5,830,439).**

As set forth above, Madrange nee Dermain teach a hair spray that contains a liquid phase comprising at least one of the following 1) 0-94% a lower alkanol, specifically ethanol, propanol, isopropanol, or butanol; 2) 0-35% a solvent; 3) 0-25% a ketone diluent, a alkyl acetate diluent, specifically methyl acetate, or a hydrocarbon. See column 3, lines 35-51. The Madrange nee Dermain also teaches the use of Madrange nee Dermain et al disclose the use of difluoroalkane as a suitable propellant. EP 08187277 teaches the a method of masking irritating alcohol odor, specifically ethanol, by utilizing methyl acetate or ethyl acetate in the amount of 0.1-10%.

Madrange nee Dermain et al do not explicitly teach the incorporation of water into the composition or 1, 1-difluoroethane.



Chuang et al teach an aerosol hair spray resin composition. see abstract. Chuang teaches that the fixative hair resin is conventionally dissolved in an inert carrier such as a lower alcohol, for instance, ethanol, an aqueous ethanol solution, isopropanol, etc. Further, the aerosol contains conventional propellants such as 20/80 blend of propane/isobutane, dimethyl ether, difluoroethane, carbon dioxide, etc. See column 4, lines 30-37.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to look to the teachings of Chuang et al and utilize ethanol that is not absolute (anhydrous) and utilize an aqueous ethanol solution. One would have been motivated to do so Madrange nee Dermain et al do not disclose that the ethanol must be absolute or denatured ethanol; thus it would be obvious to one of ordinary skill in the at the time of the invention to use ethanol that is not anhydrous since Chuang teaches the conventional use of either. It should be noted that ethanol that is not anhydrous contains about 5% water and thus reads on the instant minimum concentration of water, i.e. 0.01%. Moreover, the manipulation of the amount of water as a co-solvent is a manipulatable parameter that is within the skill of an ordinary artisan.

Furthermore, one would have been motivated to look to Chuang et al and utilize the instant difluoroethane since Chuang discloses this is a conventional propellant utilized in the art. Moreover, one would have expected similar results since Madrange nee Dermain also teaches the use of difluoroalkane as a suitable propellant.

### ***Response to Arguments***

Applicant argues that the teachings of Madrange and JP fail to teach the instant invention. Applicant argues that Madrange and JP fail to defeat to defeat the patentability of the independent claims, thus this rejection would also be rendered unobvious.

Art Unit: 1616

Applicant's arguments filed 7/25/05 have been fully considered but they are not persuasive. It is the examiner's position that Madrange in view of JP render the instant claims obvious for the reasons discussed above and thus the instant rejection of the claims in view of Chuang is also rendered obvious.

**Claims 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madrange nee Dermain et al (4,173,627) in view of JP 08187277, in further view of Morawsky et al (5,599,524).**

As set forth above, Madrange nee Dermain teach a hair spray that contains a liquid phase comprising at least one of the following 1) 0-94% a lower alkanol, specifically ethanol, propanol, isopropanol, or butanol; 2) 0-35% a solvent; 3) 0-25% a ketone diluent, a alkyl acetate diluent, specifically methyl acetate, or a hydrocarbon. See column 3, lines 35-51. EP 08187277 teaches the a method of masking irritating alcohol odor, specifically ethanol, by utilizing methyl acetate or ethyl acetate in the amount of 0.1-10%. EP teaches the R represents a short alkyl chain.

Madrange nee Dermain et al do not specifically teach the instant fixatives.

Morawsky et al teach a low VOC hair spray wherein the composition contains conventional hair resins known in the art, including instant polymer of claim 55 and the polymers taught in Madrange nee Dermain (vinyl acetate/crotonate/vinyl neodecanoate copolymer). See column 2, lines 15-30.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to look to the teachings of Morawsky et al and utilize the instant polymer in the hair spray formulation of Madrange nee Dermain. One would have been motivated to do so since Morawsky teaches the instant polymer is a conventional hair resin utilized in the art.

***Response to Arguments***

Applicant argues that the teachings of Madrange and JP fail to teach the instant invention. Applicant argues Madrange and JP fail to defeat the patentability of the independent claims, thus this rejection would also be rendered unobvious.

Applicant's arguments filed 7/25/05 have been fully considered but they are not persuasive. It is the examiner's position that Madrange in view of JP render the instant claims obvious for the reasons discussed above and thus the instant rejection of the claims in view of Morawsky is also rendered obvious.

**Claims 1-18, 21-23, 27-51, 56-57, 61-72, and 76-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heeb et al (4,243,548) in view of JP 08187277. (It should be noted that the examiner made a typographical error in the last office action wherein EP 08187277 was cited). The rejection of claims 24-26 are withdrawn.**

Heeb teaches a pressurized aerosol formulation such as hair spray. Generally the composition contains 12.9-17.5% of water, 4-6% carbon dioxide (propellant), 6-8% dimethyl ether (propellant), 35-40% organic solvents specifically ethanol and/or isopropanol, 32-35% of methylene chloride, and 0.5-3.1% of an active. More specifically, the solution for instance contains 13.62 to 14.35 percent by weight of water, 4.57 to 4.27 percent by weight of carbon dioxide (propellant), 6.95 to 7.76 percent by weight of dimethyl ether (propellant), 32.86 to 34.06 percent by weight of isopropanol and/or ethanol and/or n-propanol, 3.72 to 4.6 percent by weight of acetone and/or methoxyacetone, 35.0 to 33.93 percent by weight of methylene chloride and/or 1,1,1-trichloroethane, and 2.08 to 2.47 percent by weight of active compounds. Note that methylene chloride and acetone are not considered to be a volatile organic compound. Thus, the

Art Unit: 1616

VOC does not exceed 80% or 55%. Suitable solvents include acetone, ethyl alcohol, n-propanol, isopropanol, methyl acetate, ethyl acetate, etc. individually or as mixtures. See column 2, lines 50-60.

Example 1 teaches a hair spray containing 13.70g of water, 34.69g of methylene chloride, 33.65 isopropanol, 3.97g acetone, 6.95g dimethyl ether, 0.10g perfume oil, and 2.37g N-vinylpyrrolidone and vinyl acetate. Example 7 teaches 13.70g of water, 34.69g of methylene chloride, 11g isopropanol, 11g ethanol, 11.65 n-propanol, 3.97g acetone, 6.95g dimethyl ether, 0.10g perfume oil, and 2.37g N-vinylpyrrolidone and vinyl acetate. Example 4 discloses the use of 7.76g of dimethyl ether, 4.27g carbon dioxide, and 33.93g of trichloroethane. Example 15 replaces acetone in example 1 with 3.97g ethyl acetate. Example 16 utilizes methyl acetate in a room deodorant compositions.

Although Heeb utilizes methyl acetate in example 16, Heeb does not teach the specific combination of ethanol and methyl acetate in the example.

EP 08187277 teaches the a method of masking irritating alcohol odor, specifically ethanol, by utilizing methyl acetate or ethyl acetate in the amount of 0.1-10%. The masking action does not damage the properties of the lower alcohol and is utilized in cosmetics, drinks, and perfumes that contain lower alcohol. See abstract.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teachings of Heeb et al and EP and substitute the exemplified ethyl acetate with methyl acetate. One would have been motivated to do so since EP teaches the use of ethyl acetate or methyl acetate to mask the odor of lower alcohols such as ethanol in a cosmetic composition. Therefore, it is prima facie obvious to substitute one functional equivalent for

Art Unit: 1616

another with the expectation of similar results since the prior art teaches the use of either for the same purpose. Further, it is the examiner's position that the concentrations of the individual components are manipulatable parameters wherein a skilled artisan can readily optimize the concentrations of the prior art. For instance, the instant claims recite *approximately* 4-6% of the fixative resin and Heeb teaches the use of .5-3.1% of the active (resins), thus it is the examiner's position that 3.1% and instant *approximately* 4% are within an obvious range wherein a skilled artisan would have been motivated to manipulate the concentration through routine experimentation. Also, the claims recite *approximately* 40-50% or 45-50% of the alkanol, whereas the prior art teaches 35-40%, again it is the examiner's position that 40% and instant *approximately* 40% or 45% respectively are within an obvious range wherein a skilled artisan would have been motivated to manipulate the concentration through routine experimentation. The claims recite *approximately* 15-60% *methyl* acetate and JP teaches 10% and thus it is the examiner's position that 10% and instant *approximately* 15% respectively are within an obvious range

### ***Response to Arguments***

Applicant argues Heeb teaches a laundry list of solvents and at least 276 combinations. Applicant argues there is no motivation to specifically select ethanol and methyl acetate. Applicant argues that the examiner provides no motivation for such a combination other than "it would have been obvious". Lastly, applicant argues that even if one were to use methyl acetate, one would not have been motivated to utilize at least 5%. Lastly, applicant argues that Heeb does not state the solvent utilized has an irritating smell and thus one would not look to JP.

Applicant's arguments filed 7/25/05 have been fully considered but they are not persuasive. Firstly, the examiner points out that the instant rejection is made under obviousness and not under anticipation. Thus, the instant ethanol and methyl acetate do not need to be exemplified. Moreover, although Heeb lists "laundry list" of solvents on column 2, lines 50-60, the examiner points to column 4, line 3 specially states the preference of isopropanol, ethanol, or propanol as the organic solvent. Thus, it can be seen that the species are sufficiently limited and not as argued, a laundry list. Moreover, the examples specifically utilize ethanol or isopropanol. Therefore, it is quite clear that isopropanol and instant ethanol are the preferred solvents. With regard to methyl acetate, example 15 clearly teaches substituting acetone with ethyl acetate. It should be noted that the use of ethyl acetate or methyl acetate is obvious since both are both esters solvents. However, the examiner utilizes the secondary reference to not only teach the functional equivalency of Heeb's exemplified ethyl acetate and instant methyl acetate but also the reason why a skilled artisan would have been motivated to utilize a lower alcohol (isopropanol and ethanol are both lower alcohols) especially ethanol and methyl acetate. Moreover, a skilled artisan would have expected similar results since Heeb clearly teaches methyl acetate may be used and is suitable for use in the composition. In fact examples using up to 4.36% of methyl acetate in examples 16. Applicant has not provided any unexpected results to overcome the prima facie case of obviousness.

With regard the argument pertaining to "at least 5%" methyl acetate, the examiner points out that the secondary reference in fact teaches using 0.1-10% which encompasses at least 5%.

### ***Conclusion***

Art Unit: 1616

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,464,960 discloses that the California Air Resources Board (CARB) defines VOC as substances with a vapor pressure of  $>0.1$  mm Hg at 20 degree Celsius or as substances with 12 or less carbon atoms. Further, '960 discloses that on the basis of this definition, a number of substances, for example carbon dioxide, methylene chloride, acetone, methyl acetate, fluorochloro-carbons and fluorocarbons are excluded because of their low or zero photochemical ozone creation potential (POCP).

None of the claims are allowed at this time.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 1616

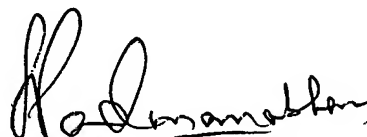
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharmila S. Gollamudi whose telephone number is 571-272-0614. The examiner can normally be reached on M-F (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on 571-272-0887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sharmila S. Gollamudi  
Examiner  
Art Unit 1616

SSG



SREENI PADMANABHAN  
SUPERVISORY PATENT EXAMINER